

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Myron Cannon,)	
)	C/A No.: 0:06-0994-MBS
Plaintiff,)	
)	
vs.)	
)	
Troy Jones, Officer,)	O R D E R
)	
Defendant.)	
)	

Plaintiff Myron Cannon, appearing pro se, brought this action under 42 U.S.C. § 1983, asserting Defendant violated his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On March 31, 2006, the Magistrate Judge filed a Report and Recommendation in which he noted that Plaintiff had filed a letter on May 25, 2006, asking to close his case. The Magistrate Judge construed Plaintiff's letter as a motion to dismiss pursuant to Fed. R. Civ. P. 41(a)(1). The Magistrate Judge recommended that Plaintiff's case be dismissed, without prejudice. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Plaintiff's motion to dismiss is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

June 29, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.